

DRAFT REPLY**REMARKS**

Claims pending in the instant application are numbered 1-40. Claims 1-40 are rejected.

The Applicant respectfully requests reconsideration of the present application in view of the amendments and the following remarks.

35 U.S.C. § 101 Rejections

Claims 1-40 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The claims merely recite a mathematical algorithm.

Claims 11-20 are rejected under 35 U.S.C. § 101 because the claims recite a computer program product.

Claim 1 as presently amended expressly recites (emphasis added):

"A method comprising:

evaluating performance of a network, wherein evaluating the performance of the network includes generating random samples, comprising:

generating a first covariance matrix from a desired mean vector and a desired covariance matrix of a Bernoulli distribution;

constructing a normal vector using the desired mean vector and the first covariance matrix; and

generating a sampling vector using the normal vector and a threshold vector, the sampling vector having the desired mean vector and the desired covariance matrix."

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No new matter has been added; the Examiner's attention is directed to at least Figure 2 and paragraphs [0026]-[0029] of the Applicant's specification as originally filed.

For subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible, and useful result (MPEP § 2106, page 2100-18 of MPEP 8th Edition, rev. 2, May 2004).

The Applicant submits that claim 1 expressly recites a practical application of "evaluating performance of a network." Thus, the Applicant submits that amended claims 1, 11, 21 and 31 overcome the instant § 101 rejections. Further, the Applicant submits that amended claims 11-20 recite proper computer program product claims.

Conclusion

The Applicant submits that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicant respectfully requests the Examiner to issue a Notice of Allowance in this case.

Atty Docket: 004524.P061
Application No.: 10/077,343
Reply to Office Action of May 17, 2005

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DRAFT REPLY*Charge Deposit Account*

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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